

CM/ECF Version 3.1

ATTORNEY TRAINING

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CM/ECF Version 3.1

Objectives

By the end of this module you will be able to:

- Describe the new statistical requirements in Version 3.1
- Explain the new Bankruptcy and Adversary case opening screens
- Identify changes to the new Official Bankruptcy forms:
 - Voluntary Petition Form 1
 - Adversary Cover Sheet Form 104

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- The Bankruptcy Abuse Prevention and Consumer Protection Act (BAPCPA) of 2005 was signed into law on April 20, 2005.
- Most of the provisions of the Act were effective six months later on October 17, 2005.
- The compiling of additional data in consumer cases became effective 18 months after enactment. Therefore, the requirement for increased statistical reporting becomes effective October 17, 2006.

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CM/ECF Version 3.1 is designed primarily to collect and transmit additional data about bankruptcy filings and adversary proceedings to the Administrative Office's Statistics Division.

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Besides the data required from the BAPCPA, CM/ECF Version 3.1 contains statistical elements from requirements of the Judicial Conference's Committee on the Administration of the Bankruptcy System.

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New Reporting Requirements

- Filing Fees
- in forma pauperis
- Assets
- Amended plans and orders approving plans
- Chapter 11 trustee activity
- Transfer cases
- Appeals
- Rent deposits
- Damages for creditor misconduct
- Debtor attorney sanctions
- Damages under Rule 9011
- Reaffirmation agreements

CM/ECF Version 3.1 will be collecting and reporting more data to send to the Statistics Division. The traditional reporting of case opening and closing data will continue, but new fields from actual docketing events will also be transmitted.

This list is an example of the variety of information being gathered.

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Event Specific Data

- Event frequency
- Filed date
- Role of filer
- Dollar amounts
- Order Actions
- Hearing locations

Some event specific data is extracted through CM/ECF docket events.

Contested Matters are actions that have the potential to raise objections and hearings.

Fifty Contested Matters

- Data not reported until matter is disposed
- Includes all related events, hearings, answers, etc.

Your court will provide you with a list of new events.

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BANKRUPTCY CASE OPENING

ECF Bankruptcy • Adversary • Query • Reports •

Open New Bankruptcy Case

Prior filing within last 8 years

Fee status

Nature of debt

Asset notice

Estimated number of creditors

Estimated assets

Estimated debts

Type of debtor

- ☐ Single Asset Real Estate
- ☐ Railroad
- ☐ Stockbroker
- ☐ Commodity Broker
- ☐ Clearing Bank
- ☐ Other
- ☐ Tax-Exempt Entity

A "Prior filing within last 8 years" field has been added. This information is included on the Voluntary Petition.

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BANKRUPTCY CASE OPENING

ECF Bankruptcy • Adversary • Query • Reports •

Open New Bankruptcy Case

Prior filing within last 8 years

Fee status

Nature of debt

Asset notice

Estimated number of creditors

Estimated assets

Estimated debts

Type of debtor

- ☒ Individual
- ☐ Corporation (includes LLC & LLP)
- ☐ Partnership
- ☐ Other

Next **Clear**

The "Nature of debt" field default is now blank.

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BANKRUPTCY CASE OPENING

ECF Bankruptcy • Adversary • Query • Reports •

Open New Bankruptcy Case

Prior filing within last 8 years

Fee status

Nature of debt

Asset notice

Estimated number of creditors

Estimated assets

Estimated debts

Type of debtor

- ☒ Individual
- ☐ Corporation (includes LLC & LLP)
- ☐ Partnership
- ☐ Other

Nature of business

- ☐ Health Care Business
- ☐ Single

The "Asset notice" field defaults to "No" for Chapter 7 case openings.

This field defaults to "Yes" for all other chapters.

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BANKRUPTCY CASE OPENING

ECF Bankruptcy • Ad • Reports •

Open New Bankruptcy Case

Prior filing within last 8 years

Fee status

Nature of debt

Asset notice

Estimated number of creditors

Estimated assets

Estimated debts

Next Clear

The field default is blank for:
“Estimated number of creditors”
“Estimated assets”, and
“Estimated debts”.

There are five new check-box categories for
Estimated Assets and Estimated
Debts/Liabilities on the new Voluntary
Petition. The software has been updated to
reflect this change.

- ☐ Health Care Business
- ☐ Single Asset Real Estate
- ☐ Railroad
- ☐ Stockbroker
- ☐ Commodity Broker
- ☐ Clearing Bank
- ☐ Other
- ☐ Tax-Exempt Entity

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BANKRUPTCY CASE OPENING

CM/ECF Bankruptcy • Adversary • Query • Reports •

Open New Bankruptcy Case

Prior filing within last 8 years

Fee status

Nature of debt

Estimate of assets and liabilities

Type of debtor

- ☒ Individual
- ☐ Corporation (includes LLC & LLP)
- ☐ Partnership
- ☐ Other

Nature of business

- ☐ Health Care Business
- ☐ Single Asset Real Estate
- ☐ Railroad
- ☐ Stockbroker
- ☐ Commodity Broker
- ☐ Clearing Bank
- ☐ Other
- ☐ Tax-Exempt Entity

Nature of Business:

- “Nature of business” label added above list of business types
 - “Other” type added
- Radio buttons instead of check-boxes
- “Tax-Exempt Entity” can be selected in conjunction with any type of business
- Tax-Exempt Entity was formerly called “Non-Profit”.

Next

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BANKRUPTCY CASE OPENING – Ch. 11

ECF Bankruptcy • Adversary • Query • Reports • Utilities •

Open New Bankruptcy Case

Small business ☐ n

☐ A plan is being filed with this petition.

☐ Acceptances of the plan were solicited prepetition

Prior filing within last 8 years ☐ no

Fee status Paid

Nature of debt

Asset notice Yes

Estimated number of creditors

Estimated assets

Estimated debts

Type of debtor

- ☒ Individual
- ☐ Corporation (includes LLC & LLP)
- ☐ Partnership
- ☐ Other

Nature of business

- ☐ Health Care Business
- ☐ Single Asset Real Estate

As provided on the Voluntary Petition, two new options for the **Chapter 11 plan** allow you to indicate if the plan is included with the petition and if it is a prepackaged (pre-approved) field.

These selections only display during Chapter 11 case opening.

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BANKRUPTCY CASE OPENING – Ch. 15

ECF Bankruptcy • Adversary • Query • Reports • Utilities

Open New Bankruptcy Case

Case type bk

Date filed 8/28/2006

Chapter 15 ▼

Joint Petition n ▼

Deficiencies n ▼

Next Clear

Main/Nonmain

- Chapter 15 for Recognition of a Foreign Main Proceeding ▼
- Chapter 15 for Recognition of a Foreign Main Proceeding
- Chapter 15 for Recognition of a Foreign Nonmain Proceeding

This screen displays the option for **Foreign Main Proceeding or Foreign Nonmain Proceeding** if the filing under **Chapter 15**.

This Chapter 15 designation selection is also on the revised Voluntary Petition.

This selection will not appear for other chapters.

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BANKRUPTCY CASE OPENING

SUMMARY OF SCHEDULES

Bankruptcy • Adversary • Query • Reports • Utilities • Logout

Open New Bankruptcy Case

SUMMARY OF SCHEDULES

Report the totals from Schedules A, B, D, E, F, I, J, Form 22, and Nondischargeable Debt in the boxes provided.

NAME OF SCHEDULE/FORM	ASSETS	LIABILITIES	OTHER
A - Real Property	<input type="text"/>		
B - Personal Property	<input type="text"/>		
D - Creditors Holding Secured Claims		<input type="text"/>	
E - Creditors Holding Unsecured Priority Claims		<input type="text"/>	
F - Creditors Holding Unsecured Nonpriority Claims		<input type="text"/>	
I - Average Income (line 16)			<input type="text"/>
J - Average Expenses (line 18)			<input type="text"/>
22 - Current Monthly Income line 12 on Form B22A, line 11 on Form B22B, or line 20 on Form B22C			<input type="text"/>
Total nondischargeable debt From Form 6, page 2 (28 USC 159)		<input type="text"/>	
Total Dischargeable Debt (Computed) Note: Not computed when any value above for D, E, F, or nondischargeable debt is not known.		<input type="text"/>	

Certain data from the **Summary of Schedules**, Form 6, will now be collected for reporting when opening a bankruptcy case.

This new screen captures items from the Form 6 **Summary of Schedules** and Form 22A, 22B or 22C, depending upon the chapter.

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BANKRUPTCY CASE OPENING

SUMMARY OF SCHEDULES

Official Form 6 - Summary (10/06)

United States Bankruptcy Court
District Of _____

In re _____ Debtor Case No. _____
Chapter _____

SUMMARY OF SCHEDULES

Indicate as to each schedule whether that schedule is attached and state the number of pages in each. Report the totals from Schedules A, B, D, E, F, I, and J in the boxes provided. Add the amounts from Schedules A and B to determine the total amount of the debtor's assets. Add the amounts of all claims from Schedules D, E, and F to determine the total amount of the debtor's liabilities. Individual debtors also must complete the "Statistical Summary of Certain Liabilities and Related Data" if they file a case under chapter 7, 11, or 13.

NAME OF SCHEDULE	ATTACHED (YES/NO)	NO. OF SHEETS	ASSETS	LIABILITIES	OTHER
A - Real Property			\$		
B - Personal Property			\$		
C - Property Claimed as Exempt					
D - Creditors Holding Secured Claims				\$	
E - Creditors Holding Unsecured Priority Claims (Total of Claims on Schedule E)				\$	
F - Creditors Holding Unsecured Nonpriority Claims				\$	
G - Reciprocity Contracts and Unexpired Leases					
H - Contingent					
I - Current Income of Individual Debtor(s)					\$
J - Current Expenditures of Individual Debtor(s)					\$
TOTAL			\$	\$	

This is the **Official Form 6, Summary of Schedules** highlighting the items that should be transferred to CM/ECF case opening.

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BANKRUPTCY CASE OPENING

SUMMARY OF SCHEDULES

ECF Bankruptcy • Adversary • Query • Reports • Utilities • Logout ?

Open New Bankruptcy Case

SUMMARY OF SCHEDULES

Report the totals from Schedules A, B, D, E, F, I, J, Form 22, and Nondischargeable Debt in the boxes provided.

NAME OF SCHEDULE/FORM	ASSETS	LIABILITIES	OTHER
A - Real Property	<input type="text"/>	<input type="text"/>	<input type="text"/>
B - Personal Property	<input type="text"/>	<input type="text"/>	<input type="text"/>
D - Creditors Holding Secured Claims	<input type="text"/>	<input type="text"/>	<input type="text"/>
E - Creditors Holding Unsecured Priority Claims	<input type="text"/>	<input type="text"/>	<input type="text"/>
F - Creditors Holding Unsecured Nonpriority Claims	<input type="text"/>	<input type="text"/>	<input type="text"/>
I - Average Income (line 16)	<input type="text"/>	<input type="text"/>	<input type="text"/>
J - Average Expenses (line 18)	<input type="text"/>	<input type="text"/>	<input type="text"/>
22 - Current Monthly Income line 12 on Form B22A, line 11 on Form B22B, or line 20 on Form B22C	<input type="text"/>	<input type="text"/>	<input type="text"/>
Total nondischargeable debt From Form 6, page 2 (28 USC 159)	<input type="text"/>	<input type="text"/>	<input type="text"/>
Total Dischargeable Debt (Computed) Note: Not computed when any value above for D, E, F, or nondischargeable debt is not known.	<input type="text"/>	<input type="text"/>	<input type="text"/>

Next Clear

Values from **Schedules A, B, D, E, F, I and J** on the **Summary of Schedules** should be entered here.

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BANKRUPTCY CASE OPENING

SUMMARY OF SCHEDULES

ECF Bankruptcy • Adversary • Query • Reports • Utilities • Logout ?

Open New Bankruptcy Case

SUMMARY OF SCHEDULES

Report the totals from Schedules A, B, D, E, F, I, J, Form 22, and Nondischargeable Debt in the boxes provided.

NAME OF SCHEDULE/FORM	ASSETS	LIABILITIES	OTHER
A - Real Property	<input type="text"/>		
B - Personal Property	<input type="text"/>		
D - Creditors Holding Secured Claims		<input type="text"/>	
E - Creditors Holding Unsecured Priority Claims		<input type="text"/>	
F - Creditors Holding Unsecured Nonpriority Claims		<input type="text"/>	
I - Average Income (line 16)			<input type="text"/>
J - Average Expenses (line 18)			<input type="text"/>
22 - Current Monthly Income line 12 on Form B22A, line 11 on Form B22B, or line 20 on Form B22C			<input type="text"/>
Total nondischargeable debt From Form 6, page 2 (28 USC 159)		<input type="text"/>	
Total Dischargeable Debt (Computed) Note: Not computed when any value above for D, E, F, or nondischargeable debt is not known.		<input type="text"/>	

Next Clear

Data for **Currently Monthly Income** is taken from **Form 22A, 22B, or 22C**, depending upon the chapter of the case.

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BANKRUPTCY CASE OPENING

SUMMARY OF SCHEDULES

ECF Bankruptcy • Adversary • Query • Reports • Utilities • Logout ?

Open New Bankruptcy Case

SUMMARY OF SCHEDULES

Report the totals from Schedules A, B, D, E, F, I, J, Form 22, and Nondischargeable Debt in the boxes provided.

NAME OF SCHEDULE/FORM	ASSETS	LIABILITIES	OTHER
A - Real Property	<input type="text"/>		
B - Personal Property	<input type="text"/>		
D - Creditors Holding Secured Claims		<input type="text"/>	
E - Creditors Holding Unsecured Priority Claims		<input type="text"/>	
F - Creditors Holding Unsecured Nonpriority Claims		<input type="text"/>	
I - Average Income (line 16)			<input type="text"/>
J - Average Expenses (line 18)			<input type="text"/>
22 - Current Monthly Income line 12 on Form B22A, line 11 on Form B22B, or line 20 on Form B22C			<input type="text"/>
Total nondischargeable debt From Form 6, page 2 (28 USC 159)		<input type="text"/>	
Total Dischargeable Debt (Computed) Note: Not computed when any value above for D, E, F, or nondischargeable debt is not known.		<input type="text"/>	

Next Clear

The value for **Total
nondischargeable debt** is taken
from **page 2 of the Summary of
Schedules**.

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BANKRUPTCY CASE OPENING

STATISTICAL SUMMARY OF LIABILITIES

Official Form 6 - Statistical Summary (1006)

United States Bankruptcy Court
District Of _____

In re _____ Debtor Case No. _____
Chapter _____

STATISTICAL SUMMARY OF CERTAIN LIABILITIES AND RELATED DATA (28 U.S.C. § 159)

If you are an individual debtor whose debts are primarily consumer debts, as defined in § 101(b) of the Bankruptcy Code (11 U.S.C. § 101(b)), filing a case under chapter 7, 11 or 13, you must report all information requested below.

☐ Check this box if you are an individual debtor whose debts are NOT primarily consumer debts. You are not required to report any information here.

This information is for statistical purposes only under 28 U.S.C. § 159.

Summarize the following types of liabilities, as reported in the Schedules, and total them.

Type of Liability	Amount
Domestic Support Obligations (from Schedule E)	\$
Taxes and Certain Other Debts Owed to Governmental Units (from Schedule E) (whether disputed or undisputed)	\$
Claims for Death or Personal Injury While Debtor Was Intoxicated (from Schedule E)	\$
Student Loan Obligations (from Schedule F)	\$
Domestic Support, Separation Agreement, and Divorce Decree Obligations Not Reported on Schedule E	\$
Obligations to Pension or Profit-Sharing, and Other Similar Obligations (from Schedule F)	\$
TOTAL	\$

State the following:

Average Income (from Schedule I, Line 16)	\$
Average Expenses (from Schedule I, Line 18)	\$
Current Monthly Income (from Form 22A Line 12; OR, Form 22B Line 11; OR, Form 22C Line 20)	\$

State the following:

1. Total from Schedule D, "UNSECURED PORTION, IF ANY" column	\$
2. Total from Schedule E, "AMOUNT ENTITLED TO PRIORITY" column	\$
3. Total from Schedule E, "AMOUNT NOT ENTITLED TO PRIORITY, IF ANY" column	\$
4. Total from Schedule F	\$
5. Total of non-priority unsecured debt (sum of 1, 3, and 4)	\$

This is Page 2 of the Summary of Schedules, the **Statistical Summary of Certain Liabilities and Related Data** (28 U.S.C. § 159)

Liability figures should be entered here. The total of these Types of Liability amounts should be entered online in the appropriate fields on the first Summary of Schedules screen.

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BANKRUPTCY CASE OPENING

SUMMARY OF SCHEDULES

- If the information is not available at case opening, each item can be docketed separately after the case is open.
- There are specific events for each schedule and form, including the summary of schedules.

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BANKRUPTCY CASE OPENING

SUMMARY OF SCHEDULES

- The Summary of Schedules event:
 - Will display the new summary of schedules screen.
 - Will display values previously entered at case opening.
 - Allow you to add or change dollar amounts.
- Entering data on the Summary of Schedules screen has the same effect as docketing the event separately.

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BANKRUPTCY CASE OPENING SUMMARY OF SCHEDULES

- Your court will provide instructions for filing amended schedules.

CAUTION!

- The amount entered will **OVERWRITE** any previous value. It will not add the new amount to the previous value.

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ADVERSARY CASE OPENING

NEW NATURE OF SUIT CODES

ECF Bankruptcy • Adversary • Query • Reports • Utilities • Logout

Open Adversary Case

Party code	3 U.S. not a Party	Primary nature of suit	none
Rule 23 (class action)	n	Second nature of suit	none
Jury demand	None	Third nature of suit	none
Demand (\$000)		Fourth nature of suit	none
State law	n	Fifth nature of suit	

Next Clear

A new field for **State law** is for entry of an existing substantive issue of state law.

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ADVERSARY CASE OPENING

NEW NATURE OF SUIT CODES

ECF Bankruptcy • Adversary • Query • Reports • Utilities • Logout

Open Adversary Case

Party code 3 U.S. not a Party

Rule 23 (class action) n

Jury demand None

Demand (\$000)

State law n

Primary nature of suit

none

none

01 (Determination of removed claim or cause)

02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy))

11 (Recovery of money/property - 542 turnover of property)

12 (Recovery of money/property - 547 preference)

13 (Recovery of money/property - 548 fraudulent transfer)

14 (Recovery of money/property - other)

21 (Validity, priority or extent of lien or other interest in property)

31 (Approval of sale of property of estate and of a co-owner - 363(h))

41 (Objection / revocation of discharge - 727(c),(d),(e))

51 (Revocation of confirmation)

61 (Dischargeability - 523(a)(5), domestic support)

62 (Dischargeability - 523(a)(2), false pretenses, false representation, actual fraud)

63 (Dischargeability - 523(a)(8), student loan)

64 (Dischargeability - 523(a)(15), divorce/sep property settlement/decrees)

65 (Dischargeability - other)

66 (Dischargeability - 523(a)(1),(14),(14A) priority tax claims)

67 (Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny)

68 (Dischargeability - 523(a)(6), willful and malicious injury)

71 (Injunctive relief - reinstatement of stay)

72 (Injunctive relief - other)

81 (Subordination of claim or interest)

91 (Declaratory judgment)

A1 (Transfer of venue [Rule 7087])

SS (SIPA Case - 15 U.S.C. 78aaa et seq.)

There are new **two digit** Natures of Suit codes that replace the traditional Natures of Suit codes. Some categories are broken out in more specific detail.

These codes will now appear on the revised Form104 Adversary Cover Sheet.

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ADVERSARY CASE OPENING

MULTIPLE NATURES OF SUIT

ECF Bankruptcy • Adversary • Query • Reports • Utilities • Logout

Open Adversary Case

Party code: 3 U.S. not a Party

Rule 23 (class action): n

Jury demand: None

Demand (\$000):

State law: n

Primary nature of suit: 41 (Objection / revocation of discharge - 727(c),(d),(e))

Second nature of suit: 01 (Determination of removed claim or cause)

Third nature of suit: none

Fourth nature of suit: none

Fifth nature of suit: none

Next Clear

Up to **five** Nature of Suit codes can now be entered for an adversary. It is still important to enter Nature of Suit codes in the order of their importance.

The new Adversary Cover Sheet, Form 104, reflects these new data requirements.

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ADVERSARY CASE OPENING

ROLE IN BANKRUPTCY CASE

ECF Bankruptcy • Adversary • Query • Reports •

Plaintiff Information

Laurie Brantley SSN:xxx-xx-1234

Office Address 1 7551 Shalimar

Address 2 Unit 4-B Address 3

City Alamo Heights State TX Zip 78209

County Bexar Country

Phone 210-555-1234 Fax

E-mail

Party text

Role in Bankruptcy Case

Attorney... Alias...

Submit Cancel Clear

Creditor
Debtor
Other/Not Applicable
Trustee
U.S. Trustee/Bankruptcy Administrator

Defendant and plaintiff party records must now reflect their **role in the lead bankruptcy case**. Therefore a new field on the Plaintiff and Defendant Information screen is required.

The new Adversary Cover Sheet Form 104 includes this new requirement.